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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,564	07/02/2003	Dennis R. Berman	R0356-00004	5486
28422	7590	03/27/2007		
HOYT A. FLEMING III P.O. BOX 140678 BOISE, ID 83714			EXAMINER CRABTREE, JOSHUA DAVID	
			ART UNIT	PAPER NUMBER
			3714	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/27/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/613,564	<b>Applicant(s)</b> BERMAN, DENNIS R.	
	<b>Examiner</b> Joshua D. Crabtree	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/2/07 and 12/21/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/21/2006 and 02/02/2007 have been entered. Claims 1-27 have been cancelled. Newly added claims 28- 38 are pending.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 28-38 are rejected under 35 U.S.C. 102(b) as being anticipated by New, III (US 6,155,834).

With regard to claims 28, 33, and 37, and the limitations of presenting on the display, utilizing a graphical user interface, the keyword in a contextual presentation, the keyword having  $n$  characters, where  $n$  is greater than 2, and then presenting on the

display, using the graphical user interface, the contextual presentation with at least the keyword missing therefrom, New, III discloses showing a word to a user on a screen, then showing the same screen with a portion of the word blanked out (Fig. 6a; Col. 15: 52 – Col. 16: 49). New, III discloses that the number of blanks may be adjusted by a user (Col. 29: 48-57), which could be as many blanks as there are letters in a word, if desired by a user. Additionally, New, III discloses that it is known in the art to display a word, erase the word, and then prompt a student to spell the previously displayed word by entering letters through a keyboard (Col. 1: 29-38).

With regard to the limitations of receiving a first received character entered into a keyboard by the learner, and before receiving any other character via the keyboard, determining if the first received character is equal to the first character of the keyword, New, III discloses checking each letter to see if it is correct, as the letters are entered (steps 910, 920, 940, 950, and 960 in Fig. 6a).

With regard to claim 33, and the limitations of determining that the first character is equal to the first character of the keyword, and based at least in part upon determining that the first character is equal to the first character of the keyword, determining to present the first received character on the display, using the graphical interface, New, III discloses these feature (Steps 920 and 930 in Fig. 6a).

With regard to claims 28, 33, and 37 and the limitation of wherein if the first received character is not equal to the first character of the keyword, then presenting on the display, using the graphical user interface, a first indication, New, III discloses that

if the first letter is incorrect, then either a "\*" symbol may be shown in the blank (Steps 920, 940, and 960 in Fig. 6a).

With regard to the limitation wherein if the first received character is equal to the first character of the keyword (or second received character is equal to the second character of the word, as in claim 33), then presenting on the display, using the graphical interface, a second indication that is distinct from the first indication, New, III discloses that if the correct letter is entered, then the correct letter is shown in the blank.

With regard to claims 29 and 38, and the limitations of receiving a second received character entered into the keyboard by the learner, and before receiving any other character via the keyboard, determining if the second received character is equal to the first character of the keyword, and if the second received character is not equal to the first character of the keyword, then presenting on the display, using the graphical interface, the first indication, and if the second received character is equal to the first character of the keyword, then presenting on the display, using the graphical interface, the second indication, New, III discloses that if the user enters the incorrect first character, then a "\*" symbol is shown in the blank. The user receives another chance to enter the correct letter. Therefore, the second character entered by the user is compared to the first character of the keyword, and then a corresponding indicator is provided, as previously described.

With regard to claims 30, 31, 35, and 36 and the limitation wherein the second indication includes presenting the first character of the keyword on the display, New, III discloses this feature (Step 930 in Fig. 6a).

With regard to claims 32 and 34, and the limitations of receiving a request from the learner to present a hint on the display, and then presenting the second indication on the display using the graphical interface, New, III discloses that if the user enters a "\*" symbol as the answer, then the correct letter will be shown (Steps 940 and 950 in fig. 6a). Therefore, the user request the hint by typing a "\*" symbol instead of a letter, and be shown the correct letter.

#### *Response to Arguments*

3. Applicant's arguments with respect to newly added claims 28-38 have been considered but are moot in view of the new ground(s) of rejection for the reasons set forth above.

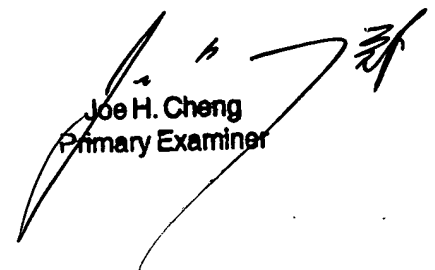
#### *Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua D. Crabtree  
March 15, 2007

  
Joe H. Cheng  
Primary Examiner